

Article - Health - General

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§19-360.

(a) This section applies to:

(1) Nonaccredited hospitals found in violation of the standards adopted under this subtitle;

(2) Accredited hospitals:

(i) Found deficient as a result of the complaint review process;

or

(ii) Subject to inspection by the Department under § 19-2302(e) of this title as a result of a serious or life-threatening patient care deficiency identified by the Joint Commission on Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, or the Department;

(3) Accredited residential treatment centers subject to inspection by the Department under § 19-2302(e) of this title as a result of a serious or life-threatening patient care deficiency identified by the Joint Commission on Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, or the Department; and

(4) Health care facilities that fail to achieve substantial compliance with the standards of an approved accreditation organization under § 19-2302(c)(2) of this title.

(b) (1) If conditions are found to be detrimental to patient health, safety, or welfare, the Department shall allow the hospital, residential treatment center, or health care facility 30 days to address the deficiencies in other than serious or life-threatening situations.

(2) If corrections cannot be completed within the 30-day period, the Department may accept a plan of correction from the hospital, residential treatment center, or health care facility based upon evidence that corrective action has been undertaken by the hospital or residential treatment center.

(3) Periodic updates of the plan of correction from the hospital, residential treatment center, or health care facility may be requested by the Department.

(c) If a serious or life-threatening condition is found to exist, the Department may order the hospital, residential treatment center, or health care facility to initiate immediate corrective action, and the hospital or residential treatment center shall be subject to inspection by the Department under § 19-308 of this subtitle.

(d) If the Secretary determines that a serious or life-threatening patient care deficiency exists and the hospital, residential treatment center, or health care facility fails to correct the deficiency through implementation of immediate corrective action, the Secretary may:

(1) For an accredited hospital or accredited residential treatment center:

(i) Revoke or restrict the licensure entitlement of § 19-319(c)(2) of this subtitle;

(ii) Impose a civil monetary penalty of not more than \$10,000 per instance or per day;

(iii) Impose a directed plan of correction; and

(iv) Impose appropriate operating conditions.

(2) For an unaccredited hospital or health care facility:

(i) Revoke or restrict the license to operate;

(ii) Impose a civil monetary penalty of not more than \$10,000 per instance or per day;

(iii) Impose a directed plan of correction; and

(iv) Impose appropriate operating conditions.

(e) In determining the action to be taken under subsection (d) of this section, the Secretary shall consider the following factors:

(1) The number, nature, and seriousness of the patient care deficiencies;

(2) The extent to which the patient care deficiency or deficiencies are part of an ongoing pattern during the preceding 24 months;

(3) The degree of risk to the health, life, or safety of the patients of the hospital, residential treatment center, or health care facility caused by the patient care deficiency or deficiencies;

(4) The efforts made by, and the ability of, the hospital, residential treatment center, or health care facility to correct the patient care deficiency or deficiencies through implementation of immediate corrective action; and

(5) The hospital's, residential treatment center's, or health care facility's history of compliance.

(f) The remedies provided by this section are in addition to any other remedies available to the Department at law or equity.

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